



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/737,273	12/16/2003	Takashi Miyoshi	17318

CONFIRMATION NO. 6182

23389
 SCULLY SCOTT MURPHY & PRESSER, PC
 400 GARDEN CITY PLAZA
 GARDEN CITY, NY 11530

FORMALITIES LETTER



OC000000013021023

Date Mailed: 06/22/2004



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **5A-C** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date

being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

KSAMSON

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

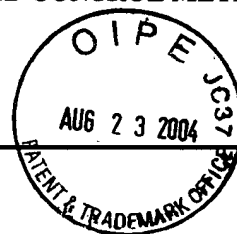
**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
17318

In Re Application Of: **Takashi Miyoshi, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/737,273	December 16, 2003	Unassigned	23389	Unassigned	6182

Invention: **IMAGE PICKUP APPARATUS, AND IMAGE PICKUP METHOD AND CONTROL METHOD
OF THE IMAGE PICKUP APPARATUS**



Mail Stop Missing Parts
COMMISSIONER FOR PATENTS:

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on
June 22, 2004
Date

Enclosed herewith for filing are the following:

- ☒ A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). **(REQUIRED)**
- ☐ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A properly signed oath or declaration in compliance with 37 CFR 1.63.
- ☐ An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- ☐ A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- ☒ Other (list):

Response to Notice to File Missing Parts of Nonprovisional Application & Petition Under 37 CGFR 1.181
Copy of Acknowledged Postcard
Figures 5A-5C (1-Sheet)
Petition fee of \$130.00

Copy of Originally filed Specification and Drawings 13 (thirteen) Sheets

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533)(Large Entity)**

Docket No.
17318

In Re Application Of: **Takashi Miyoshi, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/737,273	December 16, 2003	Unassigned	23389	Unassigned	6182

Invention: **IMAGE PICKUP APPARATUS, AND IMAGE PICKUP METHOD AND CONTROL METHOD
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TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

☒ Completion of application fees as calculated below:

<input type="checkbox"/> Utility application filing fee	_____
<input type="checkbox"/> Design application filing fee	_____
<input type="checkbox"/> Total number of independent claims = _____	_____
<input type="checkbox"/> Total number of claims = _____	_____
<input type="checkbox"/> Multiple dependent claims	_____
<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath	\$130.00
<input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor	_____
<input type="checkbox"/> Fee for processing an application filed with a non-English language specification	_____
<input type="checkbox"/> Fee for processing and retention of application	_____
Total completion of application fees	\$130.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

☐ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: _____ until: _____
Date Date

Total time extension fees _____

Total fees due **\$130.00**

**Response To Notice To File Missing Parts Of Application
Filing Date Granted (PTO-1533) (Large Entity)**

Docket No.
17318

In Re Application Of: **Takashi Miyoshi, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/737,273	December 16, 2003	Unassigned	23389	Unassigned	6182

Invention: **IMAGE PICKUP APPARATUS, AND IMAGE PICKUP METHOD AND CONTROL METHOD
OF THE IMAGE PICKUP APPARATUS**

TO THE COMMISSIONER FOR PATENTS:

Mail Stop Missing Parts

The fee of \$260.00 is to be paid as follows: **\$130.00 Petition Fee**

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-1013/SSMP
- ☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.


Signature

Dated: August 20, 2004

Thomas Spinelli
Registration No.: 39,533
Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530

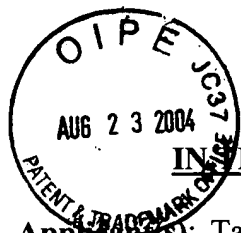
I certify that this document and fee is being deposited on 8/20/2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Signature of Person Mailing Correspondence

Thomas Spinelli

Typed or Printed Name of Person Mailing Correspondence

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Takashi Miyoshi, et al.

Examiner: Unassigned

Serial No: 10/737,273

Art Unit: Unassigned

Filed: December 16, 2003

Docket: 17318

For: IMAGE PICKUP APPARATUS,
AND IMAGE PICKUP METHOD
AND CONTROL METHOD OF THE
IMAGE PICKUP APPARATUS

Dated: August 20, 2004

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NON-PROVISIONAL APPLICATION AND
PETITION UNDER 37 CFR 1.181**

Sir:

In response to the Notice To File Missing Parts of Nonprovisional Application dated June 22, 2004, Applicants respectfully request withdrawal of the same in light of the following petition:

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 20, 2004


Thomas Spinelli

REMARKS

Reconsideration of the Notice To File Missing Parts of Nonprovisional Application in light of the following petition is respectfully requested.

In the Notice To File Missing Parts of Nonprovisional Application, it is indicated that Figures 5A-5C appear to have been omitted from the application. Applicants respectfully submit that such Figures (which are illustrated on a single sheet) were in fact deposited in the USPTO with the application papers on the filing date thereof, namely December 16, 2003.

Firstly, the copy of such application maintained by the undersigned includes 13 sheets of drawings including the sheet upon which Figures 5A-5C are illustrated, indicating that such sheet was included with the filed application papers.

Secondly, the USPTO acknowledged receipt of all 13 sheets of drawings by a postcard supplied by applicants with the application. A copy of such postcard is enclosed herewith.

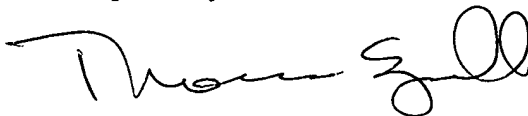
Figures 5A-5C (1 sheet) are enclosed herewith for the convenience of the USPTO.

Lastly, the petition fee of \$130 pursuant to 37 CFR 1.16(e) is enclosed

In view of the above, it is respectfully requested that the Notice To File Missing Parts of Nonprovisional Application be withdrawn and the filing date of December 16, 2003 be accorded for the application papers filed thereon, including Figures 5A-5C.

Applicants further request that the petition fee under 37 CFR 1.16(e) be refunded.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas Spinelli', with a stylized flourish at the end.

Thomas Spinelli
Registration No. 39,533

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
Telephone: (516) 742-4343

TS/cm

Enclosures (Copy of Acknowledged Postcard, and
Figures 5A-5C (1 Sheet))



PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. New Patent Application (51 pages including claims & Abstract)
2. 13 (thirteen) Formal Drawings
3. Transmittal W/Certificate of Express Mail in Dupl.
4. Claim of Priority W/Japanese Priority Documents 2002-368384 & 2003-375770
5. Check in the Amount of \$1,028.00
6. Express Mail Label No.: EV219147493US

Applicant: Takashi Miyoshi, et al.
For IMAGE PICKUP APPARATUS, AND IMAGE PICKUP METHOD AND CONTROL
METHOD OF THE IMAGE PICKUP APPARATUS

Filed: Herewith
Docket: 17318
Dated: December 16, 2003
TS:cm

Serial No.: _____ 22387 U.S. PTO
107737273

